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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,515	05/12/2006	Masaharu Shimakawa	03500.111239	6547
5514	7590	03/21/2008		EXAMINER
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				SEO, JUSTIN
			ART UNIT	PAPER NUMBER
			2861	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/579,515	SHIMAKAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JUSTIN SEO	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 January 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 and 16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 and 16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 May 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Priority***

1. Regarding applicant's claim to foreign priority for Japanese application 2004-322258, filed in Japan on 11/5/2004, it appears that applicant mistakenly wrote the Japanese filing date as 11/15/2004 rather than 11/5/2004. Please correct this discrepancy.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1 and 16** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 1, the second paragraph beginning with "extraction means..." is obscure and difficult to follow. For example, does "from among the pixels constituting a black image" only apply to "color adjacent pixels" or does it also apply to "black adjacent pixels"? Furthermore, the meaning of a "type of pixel" is unclear. The meaning of the second paragraph of claim 1 is indefinite because it cannot be reasonably followed in its present form.

5. In addition, in the third paragraph of claim 1, "ratio" is indefinite because it is unclear between what values the ratio applies.

6. The second and third paragraphs of claim 16 are indefinite for the same reasons that apply to the second and third paragraph of claim 1 above.
7. Dependent claims 2-10 are considered rejected for incorporating the defects from rejected parent claim 1.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. **Claims 1-2, 4-7, and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Moriyama et al. (US 6,084,604)**.

Regarding **claim 1**, Moriyama discloses a recording apparatus comprising:

- extraction means for extracting, on the basis of recording data, at least one type of pixels selected from black adjacent pixels composed of pixels whose adjacent pixels are recorded with black ink (See column 29, lines 48-57. Clearly some adjacent pixels are recorded with black ink.), and color adjacent pixels that include pixels whose adjacent pixels are recorded with color ink (see column 29, lines 48-57), from among the pixels constituting a black image (see entire claims 16-17, column 29)

- data creating means for creating data that corresponds to color ink so that a pixel is recorded with the color ink, according to a given ratio, on the black adjacent pixels or the color adjacent pixels extracted by the extraction means (see claim 17, column 29)
- recording control means for performing recording with the recording head on the basis of the recording data and the data created by the creating means (This is inherent in Moriyama.)
- 

Regarding **claim 2**, Moriyama further discloses wherein the creating means creates, as data corresponding to the color ink, data obtained by using a mask pattern for creating pixels recorded according to a given ratio and processing the black adjacent pixels or the color adjacent pixels (see claim 17, column 29; claims 24 and 27, column 30).

Regarding **claim 4**, Moriyama further discloses wherein the extraction means extracts both the black adjacent pixels and the color adjacent pixels (See column 29, lines 48-57. Clearly some adjacent pixels are recorded with black ink.); and the creating means creates data that corresponds to color ink by using different ratios for recording pixels with color ink onto the black adjacent pixels and for recording pixels with color ink onto the color adjacent pixels (see claim 17, column 29).

Regarding **claim 5**, Moriyama further discloses wherein the creating means creates data that corresponds to color ink by increasing the ratio for recording pixels

with color ink onto the black adjacent pixels to be greater than the ratio for recording pixels with color ink onto the color adjacent pixels (see claims 17-18, columns 29-30).

Regarding **claim 6**, Moriyama further discloses wherein the creating means creates, as data corresponding to the color ink, data obtained by using a mask pattern for creating pixels recorded according to a given ratio and processing the black adjacent pixels or the color adjacent pixels, and uses different masking ratios for the mask patterns used in the masking of the black adjacent pixels and the color adjacent pixels (see claim 17, column 29; claims 24 and 27, column 30).

Regarding **claim 7**, Moriyama further discloses wherein a plurality of color inks corresponding to different colors are used as the color ink; and the creating means uses the mask patterns corresponding to the plurality of color inks to create data corresponding to the plurality of color inks (see claim 17, column 29; claims 24 and 27, column 30).

Regarding **claim 16**, please note the rejection as set forth above with respect to claim 1.

10. **Claims 3 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Moriyama et al. (US 6,084,604)** in view of **Iwasaki et al. (US 6,328,403 B1)**.

Regarding **claim 3**, Moriyama discloses all the limitations introduced in claims 1 and 2.

Moriyama does not seem to disclose wherein the creating means creates data that corresponds to color ink, based on the logical product of the mask pattern and either the black adjacent pixels or the color adjacent pixels.

However, Iwasaki teaches wherein the creating means creates data that corresponds to color ink, based on the logical product of the mask pattern and either the black adjacent pixels or the color adjacent pixels (see column 7, lines 32-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the recording apparatus of Moriyama with the teachings of wherein the creating means creates data that corresponds to color ink, based on the logical product of the mask pattern and either the black adjacent pixels or the color adjacent pixels, found in Iwasaki, for the purpose of distributing the colors in order to improve image quality, as is well-known in the art.

Regarding **claim 8/7/6/5/4/3/2/1**, Moriyama further discloses wherein the recording control means records by ejecting black ink according to data that corresponds to black ink (This is inherent in the reference.), and also records by ejecting color ink according to data obtained from the logical sum of data that corresponds to color ink in the recording data and data that corresponds to color ink created by the creating means (This is also inherent in the reference. If color data is not adjacent to black data, then the original color data is recorded. And if color data is adjacent to black data, then the color data created by the creating means is recorded. See claims 16-17, column 29.).

11. **Claims 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Moriyama et al. (US 6,084,604)** in view of **Seto et al. (US 5,828,396)**.

Regarding **claim 9**, Moriyama discloses all the limitations introduced in claim 1.

Moriyama does not seem to disclose wherein the extraction means extracts objective pixels as black adjacent pixels when there is more than a predetermined number of black pixels (Note: Moriyama already discloses this. The predetermined number can be any number.) in a matrix which is composed of L x M (L and M are being integers expressed by 1, 3, 5 .... n, n + 2, wherein n is a positive integer) pixels and in which pixels constituting a black image are centered around the objective pixels (Note: this is inherent in Moriyama.).

However, Seto teaches wherein the extraction means extracts objective pixels as black adjacent pixels when there is more than a predetermined number of black pixels in a matrix which is composed of L x M (L and M are being integers expressed by 1, 3, 5 .... n, n + 2, wherein n is a positive integer) pixels (See Fig. 20 and column 19, lines 20-34.) and in which pixels constituting a black image are centered around the objective pixels.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the recording apparatus of Moriyama with the teachings of a matrix whose dimension is an odd number by an odd number, found in Seto, for the purpose of symmetrically centering the objective pixel, as is well-known in the art.

Regarding **claim 10**, Seto further discloses wherein the extraction means extracts objective pixels as color adjacent pixels when there is more than a predetermined number of color dot pixels (Note: Moriyama already discloses this. The predetermined number can be any number.) in a matrix composed of L x M (L and M are being integers expressed by 1, 3, 5 .... n, n + 2, wherein n is a positive integer) pixels (See Fig. 20 and column 19, lines 20-34.) and in which pixels constituting a black image are centered around the objective pixels (Note: this is inherent in Moriyama.).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN SEO whose telephone number is (571)270-1327. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on 571-272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin Seo

/Justin Seo/  
Examiner, Art Unit 2861

March 15, 2008

/LUU MATTHEW/  
Supervisory Patent Examiner, Art Unit 2861